

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

JOHN MILITO, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

SNAP INC., a foreign profit corporation doing
business as SNAPCHAT and SNAPCHAT,
INC.; and DOES 1-20, as yet unknown
Washington entities,

Defendants.

Case No.

NOTICE OF REMOVAL

[Removal from the Superior Court of the
State of Washington, King County, Case
No. 25-2-03854-8 SEA]

Action Filed: February 7, 2025

TO: THE CLERK OF THE ABOVE-TITLED COURT

AND TO: PLAINTIFF AND HIS COUNSEL OF RECORD

PLEASE TAKE NOTICE THAT Defendant Snap Inc. removes this action—with
reservation of all defenses and rights—from the Superior Court of the State of Washington for
King County, Case No. 25-2-03854-8 SEA, to the United States District Court for the Western
District of Washington pursuant to 28 U.S.C. §§ 1332(d), 1441, 1446, and 1453.

As explained further below, the Court has jurisdiction under the U.S. Class Action
Fairness Act (“CAFA”), 28 U.S.C. § 1332(d), because there is diversity between the parties
(Plaintiff is not a citizen of the same state as Defendant), the aggregate amount in controversy
exceeds \$5 million, and the class comprises over 100 putative class members.

NOTICE OF REMOVAL

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1 **I. BACKGROUND**

2 1. On February 7, 2025, Plaintiff John Milito, individually and on behalf of all
3 others similarly situated, filed a Complaint against Defendant Snap Inc. (“Snap”) in the Superior
4 Court for King County, Washington, Case No. 25-2-03854-8. True copies of all process,
5 pleadings, or orders in the possession of Snap are attached as **Exhibits 1-5**. No other pleadings
6 have been filed or served in the action.

7 2. The Complaint asserts a cause of action under RCW 49.58.110 on a class-wide
8 basis on behalf of all individuals who applied for a job opening in the State of Washington with
9 Snap from January 1, 2023 to the present, where the job posting did not disclose a wage scale or
10 salary range. Complaint ¶¶ 49, 50.

11 **II. REMOVAL JURISDICTION UNDER THE CLASS ACTION FAIRNESS ACT**

12 3. Snap removes this action based upon the Class Action Fairness Act of 2005,
13 codified in 28 U.S.C. § 1332(d). This Court has original jurisdiction of this action under §
14 1332(d)(2). As set forth below, this action is removable because (1) it is a putative class action
15 in which at least one class member is a citizen of a state different from that of any one defendant,
16 (2) the proposed class exceeds 100 members, and (3) the amount in controversy exceeds
17 \$5,000,000, exclusive of interest and costs. 28 U.S.C. §§ 1332(d)(2)(A); 1441. No defendant
18 identified in the Complaint is a state, officer of a state, or a governmental agency. 28 U.S.C. §
19 1332(d)(5).

20 4. There is no antiremoval presumption in cases invoking CAFA. *See Dart*
21 *Cherokee Basin Operating Co., LLC v. Owens*, 574 U.S. 81, 89 (2014).

22 **A. Minimal Diversity is Satisfied**

23 5. CAFA’s minimal diversity requirement is satisfied here because at least one
24 member of the putative class is a citizen of a different state from that of one defendant. 28 U.S.C.
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§§ 1332(d)(2), 1332(d)(5)(B). Specifically, Plaintiff is a citizen of a state (Washington) that is different from that of Snap (Delaware and California). *See* Complaint ¶ 15.

6. ***Plaintiff's Citizenship.*** Plaintiff alleges he resides in King County, Washington. Complaint ¶ 15. For diversity purposes, a person is a “citizen” of the state in which he or she is domiciled. *Kantor v. Wellesley Galleries, Ltd.*, 704 F.2d 1088 (9th Cir. 1983). Residence is *prima facie* the domicile. *See Ayala v. Cox Automotive, Inc.*, 2016 WL 6561284, at *4 (C.D. Cal. 2016) (allegation that Plaintiff “is, and at all times mentioned in the Complaint was,” a California resident “gives rise to a presumption that Plaintiff is a California citizen”). Plaintiff is a citizen of Washington.

7. ***Snap's Citizenship.*** For diversity purposes, a corporation “shall be deemed a citizen of any State by which it has been incorporated and of the State where it has its principal place of business.” 28 U.S.C. § 1332(c)(1). Snap’s principal place of business is in California. Snap is a corporation incorporated under the laws of the State of Delaware. Therefore, Snap is a citizen of California and Delaware for the purposes of determining diversity of citizenship.

B. The Putative Class Exceeds 100 Members

9. CAFA’s requirement that the proposed class include no less than 100 members is satisfied here because the alleged putative class has more than 100 members. *See* 28 U.S.C. § 1332(d)(5)(B).

10. Plaintiff alleges that on or about February 1, 2025, he applied for a job opening in King County, Washington with Snap that did not disclose the wage scale or salary range being offered. *Id.* ¶¶ 25-26. Plaintiff seeks to represent “[a]ll individuals who, from January 1, 2023, through the date of notice is provided to the Class, applied for a job opening in the State of Washington with Snap Inc., where the job posting did not disclose a wage scale or salary range.” Complaint ¶ 39. Plaintiff does not provide an estimated number of class members, but says only that there are “potentially dozens.” *Id.* ¶ 41.

11. A preliminary analysis of Snap's records show that more than 1,000 individuals applied to the same job opening that Plaintiff allegedly applied to, which the Complaint alleges was "a job opening in King County, Washington." *Id.* ¶ 25.

C. **The Amount in Controversy Exceeds \$5,000,000**

12. CAFA's requirement that the aggregate claims of the individual members of a putative class, or the amount in controversy, exceed \$5,000,000, exclusive of interest and costs, is similarly satisfied here. 28 U.S.C. § 1332(d)(6).

13. Snap denies Plaintiff's claims in their entirety and asserts that Plaintiff's single cause of action under RCW 49.58.110 is not amenable to class treatment. Snap denies that Plaintiff's interpretation of RCW 49.58.110 and the damages scheme thereunder is proper. Snap provides the following analysis of potential damages for jurisdictional purposes only, without admitting any liability. Snap bases the below analysis on the allegations in Plaintiff's Complaint, solely to demonstrate that Plaintiff's Complaint puts a sufficient amount "in controversy" to warrant removal under 28 U.S.C. § 1332(d). Nothing herein waives any of Snap's defenses or arguments in this action.

14. Plaintiff's Complaint is silent as to the total amount of damages claimed. When the amount in controversy is not readily apparent from a complaint, "the court may consider facts in the removal petition" to determine the potential damages at issue. *Kroske v. US Bank Corp.*, 432 F.3d 976, 980 (9th Cir. 2005) (quoting *Singer v. State Farm Mut. Ins. Co.*, 116 F.3d 373, 377 (9th Cir. 1997)). A defendant must provide "a plausible allegation that the amount in controversy exceeds the jurisdictional threshold." *Dart Cherokee Basin Operating Co. v. Owens*, 574 U.S. 81, 89 (2014); see also *Ibarra v. Manheim Invs., Inc.*, 775 F.3d 1193, 1197-98 (9th Cir. 2015) ("[A] defendant can establish the amount in controversy by an unchallenged, plausible assertion of the amount in controversy in its notice of removal.").

15. The defendant's amount in controversy allegation should be accepted when not contested by the plaintiff or questioned by the court, and evidence establishing the amount need only be submitted when the defendant's allegation is challenged. *Dart*, 574 U.S. at 87, 89. Thus,

1 Snap is only required to demonstrate that it is plausible that the amount in controversy exceeds
2 \$5,000,000.

3 16. Statutory penalties may be considered by the Court when determining the amount
4 in controversy. *See Chabner v. United of Omaha Life Ins. Co.*, 225 F.3d 1042, 1046 n.3 (9th Cir.
5 2000).

6 17. The Court should also include requests for attorneys' fees in determining the
7 amount in controversy. *See Galt G/S v. JSS Scandinavia*, 142 F.3d 1150, 1155-56 (9th Cir.
8 1998).

9 18. An initial review of Snap's records shows that during the proposed class period
10 from January 1, 2023 to the present, more than 1,000 additional applicants applied to the same
11 job posting that Plaintiff allegedly applied to.

12 19. Plaintiff seeks "[s]tatutory damages of \$5,000 to Plaintiff and each Class member
13 pursuant to RCW 49.58.070 and RCW 49.58.110." Complaint ¶ 55.

14 20. Accordingly, under Plaintiffs' theory, there are more than \$5,000,000 in potential
15 statutory damages at issue. (At least 1,001 alleged class members x \$5,000 statutory damages
16 each = \$5,005,000.)

17 21. Additionally, Plaintiff seeks "[c]osts and reasonable attorneys' fees." Complaint
18 ¶ 56.

19 **III. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE MET**

20 22. Snap was served with the Complaint on February 12, 2025. This Notice of
21 Removal is timely because this Notice is filed within 30 days after service of the Complaint. 28
22 U.S.C. § 1446(b).

23 23. The United States District Court for the Western District of Washington is the
24 appropriate venue for removal pursuant to 28 U.S.C. § 1441(a) because it embraces the place
25 where Plaintiff originally filed this case, in the Superior Court of Washington for King County.
26 *See* 28 U.S.C. § 84(a); 28 U.S.C. § 1441(a). Pursuant to Local Rule 3(e)(1), the action should be
27 assigned to the Seattle Division of this Court.

24. Upon filing this Notice of Removal, Snap will promptly furnish written notice to Plaintiff's counsel and will file and serve a copy of this Notice with the Clerk of the Superior Court of Washington for King County, pursuant to 28 U.S.C. § 1446(d).

25. In compliance with 28 U.S.C. § 1446(a), attached hereto as **Exhibits 1-5** are copies of the state-court papers served herein, including copies of all process, pleadings, and orders served upon Defendant.

26. Accordingly, Snap removes to this Court the above action pending in the Superior Court of Washington for King County.

IV. RESERVATION OF RIGHTS

53. Snap reserves the right to amend or supplement this Notice of Removal, to present additional argument in support of its entitlement for removal, and to present evidence supporting this Notice in the event this Removal is challenged.

54. Snap intends no admission of fact or liability by this Notice of Removal and does not waive any defenses, objections, or motions available under state or federal law. Further, Snap expressly reserves the right to move for dismissal of some or all of Plaintiff's claims.

Dated: March 4, 2025

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: s/Alice R. Hoesterey

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Attorneys for Defendant Snap Inc.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

JOHN MILITO

(b) County of Residence of First Listed Plaintiff King County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Emery Reddy, PLLC, 600 Stewart Street, Suite 1100,
Seattle, WA 98101, (206) 442-9106 - See Attached

DEFENDANTS

SNAP INC., et al.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Orrick, Herrington & Sutcliffe LLP, 401 Union Street, Suite
3300, Seattle, WA 98101, (206) 839-4300 - See Attached

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input checked="" type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. Section 1332(d)

Brief description of cause:
Violation of Washington pay transparency law (RCW 49.58.110)

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
to be determined

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

March 4, 2025

SIGNATURE OF ATTORNEY OF RECORD

s/Alice R. Hoesterey

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

Attachment - Attorneys of Record:

For Plaintiff:

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